

105TH CONGRESS
1ST SESSION

S. 56

To amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. FEINGOLD (for himself and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dairy Promotion Eq-
5 uity Act”.

1 **SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH**
 2 **PROGRAM.**

3 (a) DECLARATION OF POLICY.—The first sentence of
 4 section 110(b) of the Dairy Production Stabilization Act
 5 of 1983 (7 U.S.C. 4501(b)) is amended—

6 (1) by inserting after “commercial use” the fol-
 7 lowing: “and on imported dairy products”; and

8 (2) by striking “products produced in” and in-
 9 serting “products produced in or imported into”.

10 (b) DEFINITIONS.—Section 111 of the Dairy Produc-
 11 tion Stabilization Act of 1983 (7 U.S.C. 4502) is amend-
 12 ed—

13 (1) in subsection (k), by striking “and” at the
 14 end;

15 (2) in subsection (l), by striking the period at
 16 the end and inserting a semicolon; and

17 (3) by adding at the end the following:

18 “(m) the term ‘imported dairy product’ means
 19 any dairy product that is imported into the United
 20 States, including—

21 “(1) milk and cream and fresh and dried
 22 dairy products;

23 “(2) butter and butterfat mixtures;

24 “(3) cheese;

25 “(4) casein and mixtures; and

26 “(5) other dairy products; and

1 “(n) the term ‘importer’ means a person that
2 imports an imported dairy product into the United
3 States.”.

4 (c) FUNDING.—

5 (1) REPRESENTATION ON BOARD.—Section
6 113(b) of the Dairy Production Stabilization Act of
7 1983 (7 U.S.C. 4504(b)) is amended—

8 (A) by designating the first through ninth
9 sentences as paragraphs (1) through (5) and
10 paragraphs (7) through (10), respectively;

11 (B) in paragraph (1) (as so designated), by
12 striking “thirty-six” and inserting “38”;

13 (C) in paragraph (2) (as so designated), by
14 striking “Members” and inserting “Of the
15 members of the Board, 36 members”; and

16 (D) by inserting after paragraph (5) (as so
17 designated) the following:

18 “(6) IMPORTERS.—

19 “(A) IN GENERAL.—Of the members of
20 the Board, 2 members shall be representatives
21 of importers of imported dairy products.

22 “(B) APPOINTMENT.—The importer rep-
23 resentatives shall be appointed by the Secretary
24 from nominations submitted by importers under

1 such procedures as the Secretary determines to
2 be appropriate.”.

3 (2) ASSESSMENT.—Section 113(g) of the Dairy
4 Production Stabilization Act of 1983 (7 U.S.C.
5 4504(g)) is amended—

6 (A) by designating the first through fifth
7 sentences as paragraphs (1) through (5), re-
8 spectively; and

9 (B) by adding at the end the following:

10 “(6) IMPORTERS.—

11 “(A) IN GENERAL.—The order shall pro-
12 vide that each importer of imported dairy prod-
13 ucts shall pay an assessment to the Board in
14 the manner prescribed by the order.

15 “(B) RATE.—The rate of assessment on
16 imported dairy products shall be determined in
17 the same manner as the rate of assessment per
18 hundredweight or the equivalent of milk.

19 “(C) VALUE OF PRODUCTS.—For the pur-
20 pose of determining the assessment on imports
21 under subparagraph (B), the value to be placed
22 on imported dairy products shall be established
23 by the Secretary in a fair and equitable man-
24 ner.”.

1 (3) RECORDS.—The first sentence of section
 2 113(k) of the Dairy Production Stabilization Act of
 3 1983 (7 U.S.C. 4504(k)) is amended by striking
 4 “person receiving” and inserting “importer of im-
 5 ported dairy products, each person receiving”.

6 (4) REFERENDUM.—Section 116 of the Dairy
 7 Production Stabilization Act of 1983 (7 U.S.C.
 8 4507) is amended by adding at the end the follow-
 9 ing:

10 “(d) REFERENDUM ON DAIRY PROMOTION EQUITY
 11 ACT.—

12 “(1) IN GENERAL.—On the request of a rep-
 13 resentative group comprising 10 percent or more of
 14 the number of producers subject to the order, the
 15 Secretary shall—

16 “(A) conduct a referendum to determine
 17 whether the producers favor suspension of the
 18 application of the amendments made by section
 19 2 of the Dairy Promotion Equity Act; and

20 “(B) suspend the application of the
 21 amendments until the results of the referendum
 22 are known.

23 “(2) CONTINUATION OF SUSPENSION.—The
 24 Secretary shall continue the suspension of the appli-
 25 cation of the amendments referred to in paragraph

1 (1)(A) only if the Secretary determines that suspen-
2 sion of the application of the amendments is favored
3 by a majority of the producers voting in the referen-
4 dum who, during a representative period (as deter-
5 mined by the Secretary), have been engaged in the
6 production of milk for commercial use.”.

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